

REMARKS

Claims 25-28, 31-32, 34, 36-38 and 41-51 are pending in the present application. By this reply, claims 29-30, 33, 35 and 39-40 have been canceled and new dependent claims 47-51 have been added. Claims 25, 31, 36, 41 and 44 are independent.

The claims have been amended to clarify the invention and to correct minor informalities according to U.S. patent practice. These modifications including the new claims do not add new matter and are fully supported by the original disclosure, for example, Figures 6 and 7 and the corresponding description in the specification as filed.

35 U.S.C. § 102(e) Rejection

Claims 25-46 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Takahashi (U.S. Patent No. 7,002,882). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Without acquiescing to any of the Examiner's allegations made in the Office Action to reject these claims, but to advance prosecution only, independent claims 25, 31, 36, 41 and 44 have been amended to recite that the defect management area includes a first part and a second part, wherein "the first part is used to record therein defect management information generated during a recording operation and the second part is used to record therein defect management information generated during a reproducing operation". For instance, as shown in Figure 6 and described in paragraphs [0046] and [0047] of the Applicants' specification, a DFL 1 may be used to record therein defect management information generated during a data recording operation (for example, Data Recording Stages 1, 2, 3, etc.). In addition, an SDFL may be used to record defect management information generated during a data reproduction operation. As an example,

when data recorded on the recording medium is reproduced and if a defective area which is not found in an earlier data recording operation is found during the data reproduction operation, the defective area is replaced with a replacement area and the corresponding defect management information is stored in the SDFL. Similar operation occurs in Figure 7 of Applicants' invention where both the defect management information generated during a recording operation and the defect management information generated during a reproducing operation are stored in a lead-in area. Other examples are possible. These features are clearly absent from Takahashi.

Takahashi is directed to recording the position of a DMA in lead-in and lead-out areas of the recording medium and providing the DMA within the user data area as shown in Figure 16. As a result, in Takahashi defect management information can be recorded once within the DMA, instead of having to record the same defect management information in each of conventional four DMAs. However, Takahashi is concerned with recording defect management information generated only during its recording operations as shown in Figure 13, step ST110, and has nothing to do with and is completely devoid of teaching of generating defect management information during a reproducing operation and recording the generated defect management information in a defect management area. For instance, in Takahashi when data from a replacement destination is played back in step ST207 of Figure 14, there are no steps to look for any defective area during this playback operation, much less to perform a replacement writing operation associated with the defective area and recording defect management information generated during this playback operation in the defect management area.

Accordingly, independent claims 25, 31, 36, 41 and 44 and their dependent claims (due to their dependency) are patentable over Takahashi, and reconsideration and withdrawal the rejection based on these reasons are respectfully traversed.

New Claims

New claims 47-51 depend from independent claims 25, 31, 36, 41 and 44 and are thus allowable due to this dependency. Thus, indication of allowance of these claims is respectfully requested.

CONCLUSION

For the foregoing reasons and in view of the above clarifying amendments, the Examiner is respectfully requested to reconsider and withdraw all of the objections and rejections of record, and an early issuance of a Notice of Allowance is respectfully requested.

Should there be any matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below.

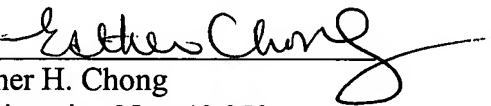
Application No. 10/670,381
Amendment dated June 11, 2007
Reply to Office Action of March 9, 2007

Docket No.: 0465-1055P

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: June 11, 2007

Respectfully submitted,

By 
Esther H. Chong
Registration No.: 40,953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant